

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**TOWN COMMISSION**  
**SPECIAL MEETING MINUTES**  
**Jarvis Hall**  
**4505 Ocean Drive**  
**Tuesday, February 27, 2018**  
**5:00 PM**

**1. CALL TO ORDER**

Mayor Sasser called the meeting to order at 5:02 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorneys Susan L. Trevarthen and Kathryn Mehaffey, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

**2. PLEDGE OF ALLEGIANCE**

**3. ORDINANCES – PUBLIC COMMENT**

**a. First Reading, Re-adoption of Ordinances Amending Chapter 30  
Adopted after August 19, 2014 (Linda Connors, Development Services  
Director)**

Mayor Sasser explained that there are 18 Ordinances to be approved at tonight's special meeting. There are no record of notices having been published for these Items. An item ensuring that this oversight does not recur will appear on the next Commission Agenda.

Development Services Director Linda Connors clarified that while notice was required at both Planning and Zoning Board and Town Commission meetings, it was only at the Planning and Zoning Board level that notice was not provided. These items were advertised properly for the previous week's Planning and Zoning Board meeting. There were two Ordinances for which this Board did not recommend approval: the Ordinance dealing with historic preservation and the Ordinance related to the Parking in Lieu of Payment (PILOP) program.

Town Attorney Susan Trevarthen advised that the majority of the Ordinances presented tonight were prepared with an effective date retroactive to the date of their original adoption. Ordinance 2015-12, however, is being re-adopted as Ordinance 2018-11. This is the Ordinance that was an issue when the lack of published notice was first discovered. Ordinance 2018-11 will have an effective date of February 27, 2018.

**b. Ordinances 1<sup>st</sup> Reading**

- i. Ordinance 2018-05 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, SIGN REGULATIONS, TO REVISE AND CLARIFY EXEMPT SIGNS SIGN REQUIREMENTS AND STANDARDS, SIGN REGULATIONS BY ZONING DISTRICT, AND DEFINITIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. In a voice vote, the motion carried 5-0.

- ii. ORDINANCE 2018-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO PROVIDE DEFINITIONS, CORRECT CROSS REFERENCES AND ELIMINATE DUPLICATION; TO PROVIDE AND UPDATE REQUIREMENTS FOR VIEW CORRIDORS EAST OF EL MAR DRIVE, LOITERING AND QUEUEING ASSOCIATED WITH BUSINESSES, SINGLE FAMILY AND DUPLEX DRIVEWAYS, THE STATUS OF PARKING EXEMPTIONS GRANTED UNDER THE RESTAURANT EXEMPTION PROGRAM, TANDEM PARKING, AND BICYCLE OR NEIGHBORHOOD LOW-SPEED VEHICLE PARKING; TO REQUIRE AMORTIZATION AND UPGRADING OF NONCONFORMING PARKING AREA SURFACES IN THE BUSINESS DISTRICTS; TO CLARIFY WHEN BACK-OUT PARKING MUST BE ALTERED; TO PROVIDE UNIFORM APPEAL PROCEDURES; TO REGULATE DRIVE THROUGH SERVICE IN THE B1-A ZONING DISTRICT; TO ADD PARKING REQUIREMENTS FOR OUTDOOR RESTAURANT SEATING ON PRIVATE PROPERTY; TO ADD ALTERNATIVE STANDARDS**

**FOR THE EL MAR STREETSCAPE PLAN IF APPROVED BY THE TOWN COMMISSION; TO PROVIDE FOR AMENDMENT TO THE SEAGRAPE DRIVE SIDEWALK PLAN SET BY RESOLUTION; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Sokolow asked if the re-adopted Ordinances will be cross-referenced with their original Ordinance numbers in Code. Town Attorney Kathryn Mehaffey replied that the Ordinance itself within its "whereas" clause specifically tracks both the original adopting Ordinance and the new Ordinance. When MuniCode codifies any amended Ordinances, it lists all previous Ordinances that have been amended. The Ordinances will be sent to MuniCode following second reading. The body and language of the re-adopted Ordinances will not be amended.

Town Manager Bentley cautioned that while the re-adopted Ordinances will be given the highest priority by Staff, he estimated that they would be reflected in MuniCode between four and six weeks from submission. Because there is no actual amendment of the Ordinances' language, this time frame may be smaller.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to adopt. Motion carried 5-0.**

- iii. ORDINANCE 2018-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, "DEFINITIONS," TO PROVIDE A DEFINITION OF MEDICAL MARIJUANA RETAIL CENTER; BY AMENDING SECTION 30-261, "B-1-A DISTRICT – BUSINESS" TO PROVIDE FOR CONDITIONAL USE REVIEW OF AND DEVELOPMENT REQUIREMENTS FOR MEDICAL MARIJUANA RETAIL CENTERS; BY MODIFYING SECTION 30-318, "MINIMUM PARKING REQUIREMENTS," TO PROVIDE PARKING STANDARDS FOR MEDICAL MARIJUANA RETAIL CENTERS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Sokolow asked if the action taken by the Commission to prohibit the sale of medical marijuana within the Town had been adopted by Ordinance or by Resolution. Town Attorney Mehaffey recalled that the prohibition had been taken by Ordinance, and that it repealed the Ordinance currently under discussion. That Ordinance affects the new Ordinances exactly as it would have during the time period of original adoption, in the same sequential order.

Town Attorney Mehaffey further clarified that the reference to the repealed Ordinance in the repealing Ordinance does not require amendment.

**Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

- iv. ORDINANCE 2018-08: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, SECTION 30-326, "GENERAL REGULATIONS FOR WINDOW AWNINGS AND ENTRANCE CANOPIES," TO UPDATE STANDARDS AND REVIEW REQUIREMENTS FOR AWNINGS AND ENTRANCE CANOPIES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to adopt. Motion carried 5-0.**

- v. ORDINANCE 2018-09: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-241, "RM-25 DISTRICT – APARTMENTS AND LODGING," OF DIVISION 2, "DISTRICTS," OF ARTICLE V, "ZONING," OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS**



**OF THE CODE OF ORDINANCES, TO UPDATE THE REGULATIONS PERTAINING TO THE ACTIVITIES PERMITTED ON ROOFTOP USES CURRENTLY ALLOWED IN THE RM-25 DISTRICT AND DELETE OBSOLETE PROVISIONS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Vincent made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 5-0.**

- vi. ORDINANCE 2018-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13, NOISE, SECTION 13-3, PROHIBITED ACTS, TO DELETE DUPLICATIVE GENERATOR REQUIREMENTS; AMENDING ARTICLE V, "ZONING," OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, DEFINITIONS, TO ADD DEFINITIONS RELATED TO GENERATORS AND CLARIFY DWELLING DEFINITIONS AND BY AMENDING SECTION 30-313, GENERAL PROVISIONS, TO REVISE GENERAL REQUIREMENTS FOR EL MAR WALKS, DRIVEWAYS, SWALES, LIGHTING, ACCESSORY BUILDINGS, AND GENERATORS AND RELATED FUEL STORAGE TANKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Malkoon made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

- vii. ORDINANCE 2018-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER**

**30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE  
CODE OF ORDINANCES, BY AMENDING SECTION 30-211, "RS-  
5 DISTRICT – RESIDENCE," TO MODIFY THE SETBACK  
REQUIREMENTS AND CALCULATIONS FOR WATERFRONT  
PROPERTIES AND DELETE ROOF STYLE LIMITATIONS;  
PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS,  
AND AN EFFECTIVE DATE (Linda Connors, Development  
Services Director)**

At this time Mayor Sasser opened public comment.

Stephen Nagy, resident, asserted that in Table 3139, the line interpreted as requiring public notice by the Town applied only to Ordinances addressing Chapter 30, Article IV. He added that he has retained counsel and plans to take the issue to court. Mr. Nagy suggested that the Item could be corrected by passing a Resolution that states Table 3139's line referring to land development Code applies only to Chapter 30, Article IV. He asked that the setback Ordinance be made retroactive.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Vice Mayor Sokolow recused himself from voting upon this Item in order to prevent the appearance of a conflict. He also stated that he took exception to Mr. Nagy's comments regarding his personal integrity.

Mayor Sasser requested clarification that the Town Attorney, as well as Development Services Director Connors, had opined on the Town's interpretation of Chapter 30, Article IV. Town Attorney Trevarthen replied that this was a written administrative interpretation prepared by Development Services Director Connors with input from the Town Attorney. She had agreed with Development Services Director Connors' assessment of the meaning of Code and the applicability of the published notice requirement.

**Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0. (Vice Mayor Sokolow abstained. A memorandum of voting conflict is attached to these minutes.)**

**viii. ORDINANCE 2018-12: AN ORDINANCE OF THE TOWN OF  
LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER  
30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE**

**CODE OF ORDINANCES, BY AMENDING SECTION 30-241, "RM-25 DISTRICT – APARTMENTS AND LODGING," TO CLARIFY THE REQUIREMENTS FOR TEMPORARY REAL ESTATE SALES OFFICES, CLARIFY SETBACK REQUIREMENTS, PROVIDE FOR BUILDING OVERHANGS IN FRONT YARDS, REORGANIZE THE SECTION AND DELETE DUPLICATIVE REQUIREMENTS; AND BY AMENDING SECTION 30-481, "LANDSCAPE REQUIREMENTS BY ZONING DISTRICTS," TO CLARIFY PVIOUS LANDSCAPING REQUIREMENTS IN MULTIFAMILY DISTRICTS AND RELOCATE LANDSCAPE REQUIREMENTS FROM THE RM-25 DISTRICT REGULATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

- ix. ORDINANCE 2018-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, SIGN REGULATIONS, TO AMEND THE LEGISLATIVE FINDINGS, REGULATIONS AND PROHIBITIONS APPLICABLE TO SIGNAGE, REVISE SIGN REQUIREMENTS AND STANDARDS, SIGN REGULATIONS BY SIGN TYPE AND BY ZONING DISTRICT, AND DEFINITIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.**

- x. **ORDINANCE 2018-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, "DEFINITIONS," TO ADD AND MODIFY DEFINITIONS RELATED TO DUPLEX USES; BY AMENDING SECTION 30-137, "NONCONFORMING USES AND STRUCTURES," TO ADDRESS NONCONFORMING SPLIT LOT DUPLEX DWELLINGS; BY AMENDING SECTION 30-221, "RD-10 DISTRICT – DUPLEX," TO ADDRESS NOTICE FOR DUPLEX DEVELOPMENT; BY AMENDING SECTION 30-241, "RM-25 DISTRICT – APARTMENTS AND LODGING," TO CLARIFY THAT SPLIT LOT DUPLEX PROPERTIES ARE SUBJECT TO THE NON-CONFORMING USE AND STRUCTURE REQUIREMENTS OF SECTION 30-137 AND REQUIRE THAT ALL DUPLEX DEVELOPMENT MUST COMPLY WITH CERTAIN NOTICE REQUIREMENTS; BY AMENDING SECTION 30-242, "RM-25 DISTRICT – REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS," TO ELIMINATE THE REQUIREMENT FOR CONDITIONAL USE APPROVAL OF SINGLE FAMILY AND DUPLEX USES ON LOTS LESS THAN 60 FEET IN WIDTH AND PROVIDE NOTICE REQUIREMENTS FOR DUPLEX DEVELOPMENT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

- xi. **ORDINANCE 2018-15: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, "BEACHES AND WATERWAYS," BY AMENDING SECTION 5-1, "DEFINITIONS," TO CLARIFY THE DEFINITION OF WATERCRAFT; AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF**

**ORDINANCES, BY AMENDING SECTION 30-11, "DEFINITIONS," TO PROVIDE DEFINITIONS RELATED TO MARINA USES; BY AMENDING DIVISION 2, "DISTRICTS," OF ARTICLE V, "ZONING," TO RENAME SUBDIVISION G, "BUSINESS ZONING DISTRICT REGULATIONS," TO "B-1-A DISTRICT REGULATIONS," TO DELETE SECTION 30-260 TO ELIMINATE DUPLICATION, TO AMEND SECTION 30-261, "B-1-A DISTRICT – BUSINESS," TO REORGANIZE REQUIREMENTS FOR CONDITIONAL USES, AND TO AMEND SECTION 30-271, "B-1 DISTRICT – BUSINESS," TO CORRECT REFERENCES AND PROVIDE FOR PERMITTED USE OF MARINAS, IDENTIFY SPECIFIC REQUIREMENTS FOR MARINA USES, AND REORGANIZE REQUIREMENTS FOR CONDITIONAL USES; BY AMENDING SECTION 30-311, "BOATS, BOAT LIFTS, BOATHOUSES AND ANCHORAGE," TO AMEND AND CLARIFY THE REQUIREMENTS FOR DOCKING AND OF WATERCRAFT AND PROVIDE A PROCESS AND REQUIREMENTS FOR THE DESIGNATION OF MARINA MOORING AREAS; BY AMENDING SECTION 30-318, "MINIMUM PARKING REQUIREMENTS," TO MODIFY PARKING REQUIREMENTS FOR MARINAS IN A YACHT BASIN; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Malkoon made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 5-0.**

- xii. ORDINANCE 2018-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO CREATE A HISTORIC PRESERVATION BOARD AND PROGRAM, AND TO AMEND DEFINITIONS, PROCEDURES, AND REGULATIONS RELATED TO HISTORIC PRESERVATION, ARCHAEOLOGICAL SITES, ARCHITECTURAL REVIEW, AND CONDITIONAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS,**

**AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Sokolow recalled that the purpose of this original Ordinance was to preempt a County Ordinance, which was significantly more stringent.

Commissioner Malkoon asked if the inventory and walking map produced by Florida Atlantic University (FAU) in 2014 would be published. Development Services Director Connors recalled that while FAU students had provided the Town with information, they had not provided a final document; however, the Town has contracted with a historic preservation architect, who has provided a draft report. This document will be turned over to Special Projects Coordinator Debbie Hime and made into a brochure.

Commissioner Malkoon asked if it was allowable to add the function of historic preservation oversight to the Town's Board of Adjustment. Town Attorney Trevarthen confirmed that this was allowed, as the responsibilities of both the Planning and Zoning Board and the Board of Adjustment may be amended in Code over time.

**Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 5-0.**

**xiii. ORDINANCE 2018-17: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT CODE, OF THE CODE OF ORDINANCES TO UPDATE, STREAMLINE, AND CLARIFY SITE PLAN REQUIREMENTS AND DEVELOPMENT PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

- xiv. **ORDINANCE 2018-18: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE II, "DEVELOPMENT REVIEW," TO REVISE FLEXIBILITY RULES FOR RESIDENTIAL UNITS ON PROPERTIES DESIGNATED FOR COMMERCIAL LAND USE; AND BY AMENDING THE BUSINESS DISTRICTS TO REVISE DEVELOPMENT REQUIREMENTS, REORGANIZE THE SECTIONS, ADD NEW CONDITIONAL USES, ADDRESS REQUIREMENTS FOR MIXED USE DEVELOPMENT, AND MOVE RELEVANT SUBSECTIONS TO SECTION 30-11, "DEFINITIONS," AND SECTION 30-313, "GENERAL PROVISIONS"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.**

- xv. **ORDINANCE 2018-19: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO ELIMINATE THE USE OF PARKING WAIVERS IN THE B-1 AND B-1-A ZONING DISTRICT AND CREATE A "PAYMENT IN LIEU OF PARKING" PROGRAM TO ADDRESS PARKING ALTERNATIVES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**



- xvi. ORDINANCE 2018-20: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO REGULATE DUPLEX / TWO-FAMILY DWELLINGS, MULTIFAMILY DWELLINGS WITH 3 OR 4 DWELLING UNITS, AND DWELLING UNITS IN MIXED USE DEVELOPMENTS WITH 1 TO 4 DWELLING UNITS, AS SHORT TERM RENTALS WITHOUT LIMITATION AS TO THE FREQUENCY OR DURATION OF RENTAL; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.**

- xvii. ORDINANCE 2018-21: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-271, "B-1 DISTRICT – BUSINESS," TO REVISE REQUIREMENTS FOR MARINAS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.**

- xviii. ORDINANCE 2018-22: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING TOWN REGULATIONS FOR THE ANNEXED AREAS, LYING GENERALLY NORTH OF PINE AVENUE AND CURRENTLY REGULATED BY THE FORMER BROWARD COUNTY CODE, BY**

**DELETING DUPLICATE AND INAPPLICABLE PROVISIONS AND  
APPLYING THE TOWN'S EXISTING GENERAL LAND  
DEVELOPMENT REGULATIONS IN CHAPTER 30  
THROUGHOUT THE ANNEXED AREAS; PROVIDING FOR  
CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN  
EFFECTIVE DATE (Linda Connors, Development Services  
Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.**

**4. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was adjourned at 5:42 p.m.

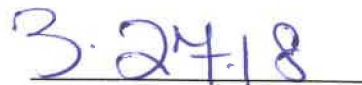


Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>Sokolow, Elliot</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Lauderdale-By-The-Sea Commission</b>	
MAILING ADDRESS <b>4501 N. Ocean Drive</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <b>Lauderdale-By-The-Sea</b>	COUNTY <b>Broward</b>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <b>February 27, 2018</b>		NAME OF POLITICAL SUBDIVISION: <b>Town of Lauderdale-By-The-Sea</b>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)



### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Elliot Sokolow, hereby disclose that on FEB 27, 20 18:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☒ inured to the special gain or loss of ROB GORDEN, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

SPECIAL MTG AGENDA ITEM 3 b VII.  
A VARIANCE REQUEST ON A SINGLE FAMILY HOME  
~~AND HOME~~ UNDER CONSTRUCTION ON WHICH MY  
COMPANY IS THE AIR CONDITIONING CONTRACTOR  
COULD BE ADVERSELY AFFECTED

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2-27-18  
Date Filed

Elliot Sokolow  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

